

AMENDMENTS TO LB 208

(Amendments to AM1632)

1 1. Strike section 11 and insert the following new
2 section:

3 "Sec. 11. Section 60-6,198, Revised Statutes Supplement,
4 2002, is amended to read:

5 60-6,198. (1) A person commits aggravated driving under
6 the influence in the first degree if while engaged in the operation
7 or actual physical control of a motor vehicle in violation of
8 section 60-6,196:

9 (a) He or she causes the serious bodily injury of
10 another. Serious bodily injury means bodily injury which involves
11 a substantial risk of death, a substantial risk of serious
12 permanent disfigurement, or a temporary or protracted loss or
13 impairment of the function of any part or organ of the body;

14 (b) He or she operates the motor vehicle to flee in such
15 motor vehicle in an effort to avoid arrest; or

16 (c) He or she has a concentration of sixteen-hundredths
17 of one gram or more by weight of alcohol per one hundred
18 milliliters of his or her blood or per two hundred ten liters of
19 his or her breath and such person has had a prior conviction for a
20 violation of section 60-6,196 with a concentration of
21 sixteen-hundredths of one gram or more by weight of alcohol per one
22 hundred milliliters of his or her blood or per two hundred ten
23 liters of his or her breath.

1 (2) A person commits aggravated driving under the
2 influence in the second degree if, while engaged in the operation
3 or actual physical control of a motor vehicle in violation of
4 section 60-6,196, he or she has no valid operator's license because
5 it has been revoked pursuant to subdivision (2)(c) or (2)(d) of
6 section 60-6,196 or subdivision (4)(c) or (4)(d) of section
7 60-6,197, as such subdivisions existed prior to the effective date
8 of this act, or subdivision (3) or (4) of section 16 of this act.

9 (3)(a) Aggravated driving under the influence in the
10 first degree is a Class IIIA felony. The court shall, as part of
11 the judgment of conviction, order the person not to drive any motor
12 vehicle for a period of at least one year and not more than fifteen
13 years and shall order that the operator's license of such person be
14 revoked for the same period.

15 (b) Aggravated driving under the influence in the second
16 degree is a Class IV felony, except that if such person has had a
17 conviction under this section prior to the date of the current
18 conviction under this section, such person is guilty of a Class III
19 felony.

20 (4) An order of the court described in subdivision (3)(a)
21 of this section shall be administered upon sentencing, upon final
22 judgment of any appeal or review, or upon the date that any
23 probation is revoked, whichever is later. Any person who, while
24 operating a motor vehicle in violation of section 60-6,196 or
25 60-6,197, proximately causes serious bodily injury to another
26 person shall be guilty of a Class IIIA felony and the court shall,
27 as part of the judgment of conviction, order the person not to

1 drive any motor vehicle for any purpose for a period of at least
2 sixty days and not more than fifteen years from the date ordered by
3 the court and shall order that the operator's license of such
4 person be revoked for the same period.

5 (2) For purposes of this section, serious bodily injury
6 shall mean bodily injury which involves a substantial risk of
7 death, a substantial risk of serious permanent disfigurement, or a
8 temporary or protracted loss or impairment of the function of any
9 part or organ of the body."

10 2. On page 10, line 14; page 32, lines 7, 8, and 15; and
11 page 42, line 5, after "revocation" insert "or impoundment".

12 3. On page 29, line 23, strike "(4)", show as stricken,
13 and insert "(3)".

14 4. On page 45, line 18, strike "sections" and insert
15 "section"; and in lines 20 and 22 after "any" insert "of".

16 5. On page 46, lines 19 and 20; page 47, lines 8 and 9;
17 and page 48, line 4, strike "as defined in section 15 of this act".

18 6. On page 48, lines 2 and 3, strike "as defined in
19 section 20 of this act".

20 7. On page 49, line 1, strike ". The court shall also"
21 and insert "and shall"; and strike beginning with "Such" in line 5
22 through the period in line 6.